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November 22, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service
Sixth Further Notice of Proposed Rule Making -- FCC 96-317

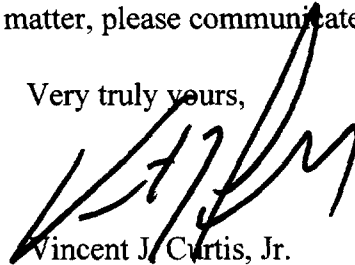
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Dear Mr. Caton:

Transmitted herewith, on behalf of ComCorp of Bryan, Inc., are an original and four copies of its "Comments" with regard to the above-captioned matter.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Vincent J. Curtis, Jr.
Counsel for ComCorp of Bryan, Inc.

VJC:mah
Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

Directed to: The Commission

COMMENTS OF COMCORP OF BRYAN, INC.
RE: STATION KYLE(TV),
NTSC CH. 28, BRYAN, TEXAS

Comes now ComCorp of Bryan, Inc., the proposed assignee of Station KYLE(TV), Bryan, Texas (BAPCT-960517ID),¹ and by its attorneys, respectfully submits its comments in the above-captioned proceeding. In support, the following is stated:

1. Initially, ComCorp seeks to correct the Commission's data base to reflect both its current authorized height and power (BMPCT-930316KF) but also its pending request for modification (BMPCT-960212KE) which it expects approval of in the near future. In addition, ComCorp supports and requests that it be allotted DTV Channel 29 at 50 kw ERP at a height of 220 meters.²

¹That transaction was granted by the Commission by Memorandum Opinion and Order, DA 96-1928, released November 19, 1996.

²The Comments being filed by the "Broadcast Caucus" proposes KYLE(TV) operating with power of only 1.3 kw. That proposal is woefully inadequate and substantially below the equivalent area that either is currently authorized or which will be shortly granted. It is unacceptable.

2. The power and height requested is a fair and efficient initial allotment and clearly in the public interest. It represents a power level equal to that proposed by the Commission but at a slightly higher height. It is submitted that whichever overall plan that the Commission ultimately chooses, the request herein would not detrimentally affect the allotment scheme. At 1.3 kw proposed by the Caucus, KYLE(TV) would be a substandard facility.³

Accordingly, for the reasons set forth herein, it is requested that the Commission correct its NTSC data base and allot Channel 29, with 50 kw power at 219.9 meters for use by KYLE(TV).

Respectfully submitted,

COMCORP OF BRYAN, INC.

By: 

Vincent J. Curtis, Jr.

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street, 11th Floor
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November 22, 1996

³After the release of the Commission's Sixth Further Notice, the Broadcast Caucus circulated a "Broadcasters Modified DTV Table" dated October 9, 1996. Regional meetings were set up to determine the effect of the modified plan (as well as the Commission's plan) on each station in the region and ostensibly to review and evaluate proposed changes. Apparently, because of the shortage of time, there will be no changes contained in the modified table submitted by the Caucus. Since that proposal of 1.3 kw is totally inadequate, it is necessary to file the instant pleading.

ENGINEERING STATEMENT

KYLE NTSC CH 28 ATV CH 29 Proposal

Bryan, Texas

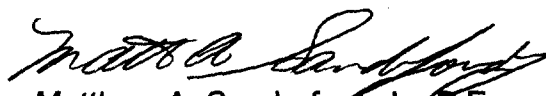
MARSAND, INC., a consulting engineering firm, registered in the State of Texas, has been retained by ComCorp of Bryan, Inc., who is the proposed assignee under BAPCT-960517ID for KYLE, Ch 28, Bryan, Texas, for the purpose of filing a response to MM Docket No. 87-268, Comments on the Sixth Notice of Proposed Rulemaking.

On behalf of ComCorp, this Engineering Statement is made in support of a request to change the proposed ATV (Advanced Television) also referred to as DTV (Digital Television) assignment of power and HAAT (Height Above Average Terrain). The purpose for the change is first, to reflect the current NTSC coverage, as approved by the Commission in Construction Permit BMPCT-930316KF, in the ATV assignment tables. Equally important, currently on file, under BMPCT-960212, ComCorp has filed for an ERP of 2,102 kW and HAAT of 219.9 meters.

The Commission has assigned an ATV Channel 29, with a DTV power of 50 kW ERP and an HAAT of 153.0 meters. ComCorp requests that the DTV 50 kW ERP be retained but the new HAAT be changed to 219.9 meters to reflect the current application on File.

ComCorp believes that the operation at 50kW is in the best interest of the public by permitting full use of the spectrum and proposed coverage area. ComCorp does not believe that the 1.3 kW proposed in the Broadcast Caucus Listing would adequately serve the public interest and therefore requests the 50kW ERP as the FCC originally proposed.

This request for change is made to insure an equivalence of as set forth in the Commission's guidelines for the DTV assignments.

 11-19-96
Matthew A. Sanderford, Jr., P.E.
President, MARSAND, INC. - Consulting Engineer
817-246-8384

